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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Daly, Paul D.

Serial No.: 09/901,237

Filed: 07/09/2001

Group Art Unit: 2615

Examiner: Lao, Lun S.

For: DRIVING MODE FOR ACTIVE NOISE CANCELLATION

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Reconsideration of the final rejection mailed on September 21, 2007 is respectfully requested. Claims 1-6 and 20-22 stand finally rejected under 35 U.S.C. §103(a) as being obvious. These rejections are contested.

Applicant respectfully traverses the §103 rejection of claims 1-6 and 20-22 as being unpatentable over *Fischer, et al.* (U.S. Patent No. 5,748,748) in view of *Uesugi, et al.* (JP 404179814). The Examiner continues to contend that *Fischer, et al.* discloses all the features of the claims except for a control unit that selects a first driving mode in response to a high engine speed and a high engine load and selects a second driving mode in response to a low engine speed and a low engine load to achieve less disturbance to the driver, to others on the road, and to surrounding neighborhoods. The Examiner cites the *Uesugi, et al.* reference for teaching a control unit that selects one of two modes of noise